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SPEECH

HON. H. V. JOHNSON, OF GEORGIA,

IN THE SENATE OF THE UNITED STATES, MARCH 16, 1848,

On the Bill reported from the Committee on Military Affairs to raise, for a limited time, an additional Military Force.

MR. JOHNSON said:

MR. PRESIDENT: The embarrassment under which I now labor, proceeds not only from the advanced hour of the day, at which, I arise to address the Senate, but also from the nature of the subject, and its familiarity, in consequence of protracted discussion, to the mind of every Senator. It has been viewed in every light of which it is capable. Indeed, I should not ask the indulgence of the Senate on this occasion, if I did not feel that my position, representing in part the State of Georgia, devolves upon me the duty of presenting my opinions in relation to the war, its causes, and its prosecution. I trust the Senate will be the more disposed to pardon my intrusion at this time, when they remember, that I took my seat in this Chamber, but a few days prior to the time, when they became continually engaged in Executive sessions; and that previously, I had not an opportunity of expressing my views. The present moment, surrounded as it is by obvious embarrassments, is the first, of which, I could avail myself, to discuss the important measure now upon your desk.

I have not been able, sir, to arrive at the conviction that, under existing circumstances, there is any impropriety in examining the merits of the Mexican war. I do not conceive, that anything has transpired which should change the character of the debate, or detract from its interest. It is not my design, however, to enter upon a detailed statement of the events connected with our entanglements with Mexico. All that I propose to do is, to glance, briefly, at the most prominent, with the view of drawing such deductions as are natural and legitimate. I am convinced that, after such a review of the history of the origin of the war, there will be little difficulty, in arriving at the conclusion, that, from first to last, our country has been in the right; and that, throughout the whole progress of hostilities, we have conducted ourselves in such a manner, as not to tarnish our reputation as a nation; but, on the contrary, to enhance it alike in a civil and military point of view.

What has been our conduct towards Mexico? From the usurpation of Napoleon, in 1808, down to the commencement of hostilities, it has been characterized by kindness and forbearance. Pending her struggle with Spain, the great Powers of Europe combined to defeat the achievement of her independence. On the 27th of January, 1823, we recognized it; and Mr. Rush, our minister to the Court of St. James, was instructed to ask the co-

operation of Great Britain with the United States, in proclaiming the independence of the Spanish American colonies. Upon her declining to do so, Mr. Monroe, in behalf of our Government, declared—

“That the American continents, by the free and independent condition which they have assumed, and maintain, were thenceforth not to be considered as subjects for future colonization by any European Power; and that we owe it to candor, and to the amicable relations existing between the United States and other Powers, to declare that we should consider any attempt, on their part, to extend their (the European) system to any portion of this hemisphere, as dangerous to our peace and safety. With the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we should not view any interposition, for the purpose of oppressing them, or controlling in any manner their destiny by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States.”

This announcement, proclaimed in a form so solemn, and a tone so commanding, produced a pause in the pragmatic machinations of the jealous thrones of Europe, and Mexico was permitted to prosecute her resistance to Spanish oppression, without foreign molestation. Our recognition of her independence was soon seconded by other leading Governments of Europe; and on the 4th of October, 1824, she succeeded in establishing a federal government, similar, in its prominent features, to that of the United States. We concluded with her treaties of commerce and navigation and limits, by which, we guaranteed to her the same boundary which existed between us and Spain, and which augured friendly intercourse and due respect to our mutual rights and interests.

But how has this treatment been requited by Mexico? Has she appreciated our generosity? Has she exhibited her gratitude, by respecting our rights and seeking to retain our friendship? So far from this, her conduct towards the United States, almost from the very day of her revolt from Spain, down to the inception of the present war, has been characterized by every act of aggravated outrage, which could define the most implacable enmity. She insulted our flag, captured our ships, imprisoned our citizens and confiscated their property. We remonstrated, appealed from time to time to her sense of honor, and invoked her fidelity to treaty stipulations. But it was in vain; it all resulted only in disgraceful equivocation, or promises of reparation, made only to be violated.

As early as 1837, General Jackson communicated to Congress a history of our grievances, ex-

pressed the opinion that we would stand justified, in the eyes of the civilized world, in a resort to arms, and even went so far, as to recommend reprisals. But in the fullness of forbearance, he advised, that another appeal should be made to her sense of justice, coupled with the distinct understanding, that if she still persisted in withholding reparation, we should be determined and prepared to enforce ample redress. This appeal was made, but, as on former occasions, it resulted in nothing but hypocritical professions and empty promises.

In December, 1837, President Van Buren referred the subject again to Congress; but, still unwilling to have a rupture with a sister republic, Congress advised another effort at negotiation. Joint commissions were raised to audit and adjust the claims of our citizens. After delays and hindrances of various kinds, originating in the tardy sense of justice on the part of Mexico, a portion of such claims was admitted and promised to be paid. When the day of payment arrived, longer indulgence was asked by Mexico and granted by the United States. So that, at the suspension of diplomatic relations between the two Governments, there not only remained several millions undischarged, but also several millions unpaid, in violation of treaty stipulation.

I do not allude to these things, Mr. President, as the proximate causes of the war with Mexico, but to vindicate our Government from the charge of being hard and overbearing towards a neighboring republic; and for the further purpose, of drying up the tears which bedew the cheeks of Whigery in every section of the Union, so that, their sympathies being transformed into patriotic indignation, truth, and the honor of their country, may have more weight with the opponents of the war, in their deliberations upon the great questions which it involves.

How forbearing is the course of our Government, when compared with the conduct of other nations? So far from Mexico having any cause of complaint, it is our own citizens who have the right to complain, that their Government has been so tardy in avenging their wrongs. When the State of New York imprisoned McLéod, Great Britain threatened instant war against the United States. France assaulted Vera Cruz, and took the castle of San Juan de Ulua, for violations of the rights of her citizens infinitely less flagrant. In the outrages committed at Tabasco, British and American citizens endured similar injuries; and in behalf of the former, England demanded and obtained immediate reparation, while the latter have gone, even to the present day, unredressed. When General Arista, contrary to the authority of his own Government, took \$100,000 from a British mining company, to distribute among his soldiery, for mercenary military services, immediate payment was peremptorily demanded, and even time refused him to submit the matter to the consideration of Congress. The truth is, sir, that Mexico had spit in the face and pulled the nose of this Government, until longer forbearance were a sacrifice of national honor; and while I deeply deplore, at all times, the evils of war, she merits at our hands a severe castigation. It will humble her arrogance and vindicate our national dignity before the world.

Although these things are not the immediate causes of the war, yet they are portions of the

wrongs to be redressed, since the war does exist. War between nations is the necessary result of the absence of any competent tribunal, for a peaceful adjustment of their disputes. It is a substitute for a great international high court of chancery; and, like such a tribunal, having once been begun, it is its legitimate province, to settle every question of controversy, and do ample justice between the parties.

Such were the relations between the United States and Mexico, when Congress passed the resolutions for the annexation of Texas, in March, 1845. Therebefore Mexico had alleged no just ground of complaint against this Government, nor had any American statesman suggested any for her. Although, during the pendency of our discussions of the question of annexation, she entered her remonstrances and protests, and declared she would regard it as a *casus belli*, yet diplomatic intercourse still continued, until that measure was determined upon by the Congress of the United States. But at this point, she took occasion to dissolve friendly relations; and on the 6th of March, 1845, only three days after the passage of the resolutions of annexation, Mr. Ahmonte demanded his passport, and said—

“That contrary to his hopes and his most sincere prayers, he sees consummated, on the part of the American Government, an act of aggression the most unjust which can be found recorded in the annals of modern history—namely, that of *despoiling a friendly nation, like Mexico, of a considerable portion of her territory.*”

“The undersigned, moreover, protests, in the name of his Government, that the said law (of annexation) can in no wise invalidate the rights on which Mexico relies to recover the above mentioned province of Texas, of which she now sees herself unjustly despoiled; and that she will maintain and uphold these rights at all times by every means which may be in her power.”

This extract, from the valedictory communication of the Mexican minister, exhibits clearly the ground on which, she predicated her assumption of a hostile attitude towards the United States. That ground is “*that of despoiling a friendly nation, like Mexico, of a considerable portion of her territory.*” It further declares “*that the said law (of annexation) can in no wise invalidate the rights on which Mexico relies, to recover the above mentioned province of Texas, of which she now sees herself unjustly despoiled; and that she will maintain and uphold these rights at all times, by every means which may be in her power.*” Now, connect this with the declaration which Mexico made long prior to annexation, “*that she would look upon such an act as a casus belli,*” and what does it prove? It proves two propositions—first, that the measure of annexation is the true and only ground of her complaint; and, secondly, that she had deliberately determined to assert her right to Texas by force of arms.

Was she justifiable in assuming such a position towards the United States? If we had the right to receive, and Texas had the right to incorporate herself into our Government, then Mexico was not justifiable in placing herself in an attitude of hostility to the United States. I maintain that, at the time of annexation, Texas was an independent sovereign State, and therefore, capable of disposing of herself in any manner consistent with her views of interest and policy. She could form alliances, make treaties, and do all other acts which free and independent States may, of right, do. This will be made manifest by a brief consideration of her proper relationship to the Republic of Mexico and the events of her revolution.

But before I proceed to these topics, I must premise one remark, suggested by the character of the resolutions of annexation. Those resolutions, it is well known, left the question of the western boundary of Texas open, to be settled by negotiation between the United States and Mexico, not that we entertained doubt as to its location, but in deference to the feelings of that Republic. This must have been well known by Mr. Almonte when he demanded his passport; and therefore, this step, on his part, was tantamount to a rejection in advance, by his Government, of this peaceful mode of adjustment, to which she was bound to resort, before she could be justified in appealing to arms. Why was this course adopted? Had our Government exhibited any unwillingness to negotiate? On the contrary, did not the terms of the law of annexation invite it? She was governed by the determination, not to treat of the question of boundary, for the reason expressed in Mr. Almonte's letter, that she regarded the "*province of Texas*" as a "*considerable portion of her territory*." She did not complain that we claimed more territory, as embraced within the limits of Texas, than was just and proper; but that Texas, the whole of Texas, Texas as annexed, was a portion of her territory; that we had unjustly despoiled her of it; and that she would maintain her title to it by force of arms. In this determination she persisted—rejected peremptorily our offers of negotiation, as I shall show in the progress of my remarks, and voluntarily took the initiative in actual hostilities.

The question recurs, Was she justifiable in such conduct? I confidently maintain that she was not; for the reason, that Texas was a free and independent State, possessing all the rights and powers appertaining to such a condition.

What was the relation which Texas sustained to Mexico at the outbreak of her revolt against the military usurpation of Santa Anna? Was it *national* or *federal*? Was her connection such as results from being an integral part of a great consolidation, or such as springs from compact?

On the 4th of October, 1824, after many years of bloody contest with Spain, Mexico adopted a constitution for her government, similar in its leading features to our own—republican, representative, federal—as is fully shown by the following extract from it:

"ARTICLE 4. The Mexican nation adopts for its government the form of republican, representative, popular, federal.

"ARTICLE 5. *The parts of this Federation are the States and Territories.*

"ARTICLE 171. The articles of this constitution, and the constitutional act which establishes the liberty and independence of the Mexican nation, its religion, form of Government, liberty of the press, and *division of the supreme powers of the Federation and the States, can never be reformed.*"

It is evident, therefore, from the very terms employed in this instrument, that each State of the Mexican Union sustained to the Government a *federal* relationship—a relationship springing from compact; and that each State, so far from constituting an integral part of Mexico, as a *consolidated nation*, retained its sovereignty over its soil, and its separate identity and independence, except so far as these were qualified or limited by the nature and provisions of the constitution. This is emphatically true in reference to Texas; for her constitution was not adopted until the 11th of March, 1827—more than two years after the formation of the

Confederacy of 1824; and its 2d ARTICLE was as follows:

"ARTICLE 2. It is free and independent of the other United Mexican States, and of every other foreign Power and dominion." Passed March 11th, 1827, and accepted by Mexico."

With this constitution, Texas was received into the Mexican Union; and, therefore, the Federal Government accepted and recognized her in the character therein designated.

In 1835, Santa Anna, at the head of a large mercenary army, overturned the Confederacy of 1824, and on its ruins established, in fact, a military despotism. He dispersed the State Legislatures, and threatened indiscriminate death to all who should oppose his desolating march. Texas alone, of all the States, refused submission; but did that constitute her a rebel against the rightful authority of the Government? She was not resisting, but seeking to sustain the constitution of the Mexican Union. In proof of this, I refer to the following extract from the capitulation of General Cos, entered into on the 11th of March, 1835:

"That General Cos and his officers retire, with their arms and private property, into the interior of the Republic, under parole of honor, that they will not, in any way, oppose the reestablishment of the federal constitution of 1824."

I refer, also, to the following extract from the manifesto which Texas promulgated on the 7th of November, 1835:

"Whereas General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal constitution of Mexico, and dissolved the social compact which existed between Texas and the other members of the Confederacy; now the good people of Texas, availing themselves of their natural right, solemnly declare—

"That they have taken up arms in defence of their rights and liberties, which were threatened by encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico, of 1824."

These evidences of the intentions and motives of Texas clearly show, that she was not disloyal to the Confederacy, but was animated by a patriotic desire to maintain its integrity. And the recitals in her declaration of the 2d of March, 1835, prove to the world that she never resolved upon separation from, and independence of, the General Government, until all hope of preserving the constitution of 1824 was at an end.

Now, what was the effect of this military usurpation by Santa Anna and his overthrow of the Confederacy? We have seen, that Texas never constituted an integral part of Mexico as a consolidated National Government, but that her relationship was one of compact. Therefore, when the constitution, which contained the terms of that compact, was destroyed, and an absolute despotism sought to be enforced upon the people, Texas was released from her bond of union, and was remitted back to that condition of separate independence and sovereignty, in which she was, before she assumed her federal relationship to the Mexican Republic. Vattel says, it is a truth "acknowledged by every sensible writer whose pen is not 'enslaved by fear or sold for hire,' that 'as soon 'as a prince attacks the constitution of the State, 'he breaks the contract which bound the people to 'him; the people become free by the act of the 'sovereign, and can no longer view him but as an 'usurper who would load them with oppression.'" Hence, Texas, by the military usurpation of Santa Anna, became free, sovereign, and independent; and, aside from the subsequent events of her rev-

olutionary struggle, confirmatory of her independence, she was competent to have annexed herself to the United States, without giving any just cause of offence to any Power in Christendom. If, at that moment, we had received her into our Union, it would have afforded no ground for Mexico to have dissolved diplomatic relations with the United States, much less, to have appealed to arms.

Take an illustration from our own Government. Ours, like that of Mexico, is a confederated republic. Each State is sovereign and independent, except so far as these attributes are qualified and limited by the Constitution. Now, suppose some military chieftain, in the hour of successful triumph, and in the full tide of popular enthusiasm, should assume the reins of Government, trample upon the Constitution, and overrun the States, disperse their Legislatures, and threaten indiscriminate death to all who should offer resistance to his usurpation: would not this, *ipso facto*, remit every State, which should oppose a despotism so absolute and iniquitous, back to its original sovereignty? If Virginia, or New York, or Georgia, should be the resisting State, would it ever be contended for a moment that she was a rebel, a revolted province? Who would deny that she had the perfect right, from the very moment of the destruction of the Federal Constitution, to form any alliance with any other Power, which she might deem necessary for her security and safety? Where would be found the right of the usurpers to complain or wage war against the Government thus contracting with such a State? Is not the case of Texas exactly parallel?

But, at the time of annexation, Texas was independent, not only *de jure*, but *de facto*. On the 21st of April, 1836, she vindicated her independence, by her valor and her arms, on the plains of San Jacinto. She captured Santa Anna and his army, amounting to four thousand men, prisoners of war; and on the 26th, entered into a solemn convention, in which Mexico acknowledged the independence of Texas, and fixed the Rio Grande as her western boundary. I am aware that the validity of this treaty is denied; that it was, very soon after its conclusion, repudiated by Mexico herself. But, as I shall have occasion to meet the objections urged against it in another branch of this subject, let it suffice here to remark, that from that time, down to the day of annexation, she successfully resisted every effort, on the part of Mexico, at reconquest, and expelled her forces beyond the Rio Grande; that the United States acknowledged her independence in 1837; and England, France, and other European Powers, in quick succession, imitated our example. The honorable Senator from Massachusetts, [Mr. WEBSTER,] then Secretary of State, in a despatch to our minister in Mexico, dated July 8, 1842, said:

"From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the powerful Powers of the world, no hostile foot finding rest in her territory for six or seven years, and Mexico herself refraining, for all that period, from any farther attempt to re-assert her own authority over that territory, it cannot but be surprising to find Mr. de Boremeja (the Mexican Secretary of Foreign Affairs) complaining, that for that whole period, citizens of the United States, or in Government have been favoring the rebels of Texas, and supplying them with vessels, ammunition, and money, as if the war for the redemption of the province of Texas had been con-

stantly prosecuted by Mexico, and her success prevented these influences from abroad."

It seems to me, therefore, that no candid mind can resist the conclusion, from this evidence, that at the time of annexation, Texas was *de jure* and *de facto* an independent, sovereign State; that she had a perfect right to enter, and we to receive her, into this Union. Mexico, therefore, was wholly unjustifiable in suspending diplomatic relations and assuming an attitude of hostility towards the United States in consequence of annexation. This was her first step towards war with this republic; it was taken voluntarily by her, and without just provocation.

Now, was it in the power of the United States to settle the matters of misunderstanding with Mexico, by peaceful negotiation? I think not. On the 13th of October, 1845, Mr. Black, consul of the United States in Mexico, in pursuance of instructions from the President, addressed to Mr. Peña y Peña, then Secretary of Foreign Affairs, a note, in which, in behalf of his Government, he made the following proposition to Mexico, viz:

"At the time of the suspension of the diplomatic relations between the two countries, General Almonte was assured of the desire felt by the President, to adjust amicably every cause of complaint between the Governments, and to cultivate the kindest and most friendly relations between the sister republics. He still continues to be animated by the same sentiments. He desires that all existing differences should be terminated amicably, by negotiation, and not by the sword.

"Actuated by these sentiments, the President has directed me to instruct you, in the absence of any diplomatic agent in Mexico, to ascertain from the Mexican Government, whether they would receive an envoy from the United States, intrusted with full power to adjust all the questions in dispute between the two Governments. Should the answer be in the affirmative, such an envoy will be immediately despatched to Mexico."

On the 15th of October, 1845, Mr. Peña y Peña, in behalf of the Mexican Government, made the following reply:

"In answer, I have to say to you, that although the Mexican nation is deeply injured by the United States, through the acts committed by them in the department of Texas, which belongs to this nation, my Government is disposed to receive the commissioner of the United States who may come to this capital, with full power from his Government to settle the present dispute in a peaceful, reasonable, and honorable manner."

"What my Government requires above all things is, that the mission of the commissioner of the United States, and his reception by us, should appear to be always absolutely frank, and free from every sign of menace or coercion. And thus, Mr. Consul, while making known to your Government the disposition on the part of that of Mexico to receive the commissioner, you should impress upon it as indispensable, the previous recall of the whole naval force now lying in sight of our port of Vera Cruz. Its presence would degrade Mexico, while she is receiving the commissioner, and would justly subject the United States to the imputation of contradicting, by acts, the vehement desire of conciliation, peace, and friendship, which is professed and asserted by words."

In pursuance of this suggestion, the President withdrew our naval force from the port, and sent Mr. Slidell to Mexico, with "full power to adjust all the questions in dispute;" and on the 8th of December, 1845, he addressed a note to Mr. Peña y Peña, advising him of his arrival, and the object of his mission. But, strange to say, the Mexican Government refused to receive him.

At this period, Mexico was on the eve of one of her frequent revolutions. General Herrera was President, but in a few days he was forced to surrender the helm of Government to Paredes. Mr. Slidell, in due time, offered himself to the new ad-

ministration, hoping that a change of rulers might produce a change of policy. But he was again rejected, and our Government accused by Mr. Castillo, the new Secretary of Foreign Affairs, of *infidelity—of outrage upon and contempt of the Government of Mexico—of despoiling her of her territory, by the “REPROBATED MEANS OF VIOLENCE AND FRAUD.”* And the only pretext which her Secretary of Foreign Relations urged in defence of the perfidy of his Government, was the miserable distinction which he drew between “*a resident minister,*” and “*a commissioner to settle the question of boundary.*” But could she justify herself by resorting to so despicable a subterfuge? Our proposition to her was, “*to receive an envoy from the United States, intrusted with full power to settle all the questions in dispute between the two Governments.*” Her reply was, that she was disposed “*to receive the commissioner of the United States who may come to this capital (Mexico) with full power from his Government to settle the present dispute, in a peaceful, reasonable, and honorable manner.*” I have read of governments taking exception to the representative of another, because he came in a lower capacity than she expected, or considered his rank unworthy her own dignity in the scale of nations. But this is the first instance I have ever known of a representative being rejected, because his grade was too high. According to all fair interpretation of language, our proposition was accepted in the sense in which it was made; and if the terms were objectionable—clothed Mr. Slidell with more power than was agreeable to her—she should have made it known at the time. Not having done so, she cannot hope to escape the condemnation of mankind.

Here then, was a distinct and deliberate refusal by Mexico, to settle by negotiation, the matters in dispute between the two Governments; and she accompanied that rejection, with the unequivocal avowal, that “*the Supreme Government of Mexico had, beforehand, declared, that it would look upon such an act (annexation) as a casus belli; and as a consequence of this declaration, negotiation was by its very nature at an end, and war was the only recourse of the Mexican Government.*” War, therefore, being the premeditated choice of Mexico, it was impossible for our Government to adjust the questions in dispute by negotiation. Hostilities soon commenced. But who struck the first blow? Who spilled the first blood—the United States or Mexico? Let the attack on Captain Thornton’s company of dragoons, and Captain Walker’s Texas rangers, on the 25th and 28th of April, 1845, respectively, and let the glorious battles of Palo Alto and Resaca de la Palma, answer this question. In all these engagements, which transpired east of the Rio Grande, and upon our own soil, Mexico struck the first blow—made the attack with three times our own number of men.

We find ourselves, therefore, embroiled in war with Mexico, without any just provocation on our part; our kindness, for a series of years, forgotten and disregarded; her solemn treaties of amity and intercourse set at naught; her promises of indemnity to our citizens, for her outrageous aggressions upon their persons and property, violated; and our urgent and friendly offer of negotiation, insultingly and haughtily rejected. Is it not passing strange then, that we find in this country a great, intelligent, and patriotic party, almost unanimously op-

posing the prosecution of the war, sympathizing with the enemy, and heaping unmeasured abuse upon the Administration? Is it not strange, that there is any division amongst us; that we should not all be thoroughly united in the policy and propriety of prosecuting the war, until our enemy shall be forced to do us ample justice, and conclude a treaty which shall secure permanent peace for the future? But it is even so, much to the “comfort” of Mexico, and to the gratification of the jealous thrones of Europe.

What are the grounds on which this opposition to the war is based? It is said, that the war was provoked by the unnecessary and unconstitutional order of the President, directing General Taylor to advance the “army of occupation,” from Corpus Christi, to some suitable point on or quite near the Rio Grande.

This assertion involves those who make it, in a most unenviable inconsistency. It is well known, that, as early as the 4th of October, 1845, General Taylor, in a communication to the Secretary of War, advised that movement. He said:

“It is with deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt, that the settlement will be greatly facilitated and hastened, by our taking possession, at once, of one or two suitable points on or quite near that river. Our strength and state of preparation should be displayed in a manner, not to be mistaken. However salutary may be the effect produced upon the border people, by our presence here, we are too far from the frontier, to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The ‘army of occupation’ will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July the 5th, to make a forward movement to the Rio Grande, without authority from the War Department.”

Such was the advice of General Taylor to the War Department, *two months and a half before* he was ordered to advance. This advice was qualified by a single contingency; and that is, “*if our Government, in settling the question of boundary, makes the Rio Grande an ultimatum.*” Now, was it not universally the determination of the people and leading statesmen of this country, as well as the Government, to insist upon the Rio Grande as our western boundary? Had not the President the right to infer this, from the legislation of Congress, by which the jurisdiction of the United States had been extended to that river, and a collection district established in the territory beyond the Nueces? And, sir, what was the object of the advice of General Taylor? Was it to provoke hostilities, to embroil the two Governments in war? By no means; but “*to facilitate and hasten the settlement,*” by the “*display of our strength and preparations, in a manner, not to be mistaken.*”

It is said, however, that General Taylor modified this advice, in a subsequent despatch, dated November 7, 1845. His language is as follows:

“The intelligence from Mexico, however, tends to modify, in some degree, the views expressed in that communication. The position, now occupied by the troops may, perhaps, to the best, while negotiations are pending, or at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably.”

So far from this being a modification, it is rather a repetition of his advice of the 4th of October.

At all events, it modifies it so far only, as to express the opinion, that the position which he then occupied (Corpus Christi) was "perhaps the best while negotiations are pending, or at any rate, until a disposition may be manifested by Mexico to protract them unreasonably." Is it not evident, from this language, that he still adhered to the policy of taking a position on the Rio Grande, if Mexico should refuse or unreasonably protract negotiation? Sir, the conduct of the President accorded strictly with the views of General Taylor, as shadowed forth in his despatch of the 7th of November. He did not issue the order to advance to the Rio Grande, in the first instance, in accordance with the suggestions of the commanding general, because there was every reason to believe, that the negotiation about then to be entered upon, would be successful. Does this exhibit a desire, on the part of the Executive, to plunge the country in war? Or does it not rather show a most anxious solicitude to avoid the arbitrement of arms? But when negotiation was rejected, and all hope of amicable adjustment was at an end, the President then thought the contingency had arrived, on which General Taylor had suggested the policy of advancing to the Rio Grande. He therefore gave the order. The opinion of General Taylor was doubtless given in good faith, with the design of preventing war. It is equally certain, that the President adopted that opinion in good faith, and in a similar spirit. But because war has unfortunately ensued, General Taylor is lauded to the skies, but the President is overwhelmed with dire execrations.

But it is at variance with the well known facts, to assert, that the march to the Rio Grande caused the war. Mexico had protested against annexation during the pendency of its discussion, and declared she would regard its consummation as an act of war. Upon the passage of the resolutions for that object, she dissolved diplomatic intercourse with the United States. In July thereafter, Garcia Conde, the Mexican Secretary of War, issued the following circulars, requiring the officers of the army to raise the requisite number of troops to wage war against the United States:

"OFFICE OF WAR AND MARINE, }
"Section of Operations."

"The United States have consummated the perfidy against Mexico by sanctioning the decree which declares the annexation of the department of Texas to that Republic. The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the Supreme Government has resolved upon a declaration of war against that Power, seeing that our forbearance, instead of being received as a proof of our friendly disposition, has been interpreted into an acknowledged impossibility on our part to carry on a successful war.

"Such an error, on the part of the United States, will be advantageous to Mexico, because, should any abandoning its perfidy attitude, it will to-morrow communicate to Congress the declaration of war, and excite the patriotism of its citizens, to sustain the dignity of the nation and the integrity of its territory, now treacherously attacked, in utter disregard of all guarantees recognized in this enlightened age.

"You will readily appreciate the importance of this subject, and the necessity of preparing the troops under your command to march towards any point which may require protection against these most unjust aggressions. I am directed by the Provisional President to enjoin you, as general in chief of your division, and as a citizen of this Republic, to hold yourself in readiness to repel those who seek the ruin of Mexico. The Government is occupied in covering the deficient points on the frontiers, and in collecting the necessary means, so that nothing may be wanting to

those whose glory it will be to defend the sacred rights of their country.

"I have the honor to communicate for your intelligence, and to direct your conduct.

"God and liberty!

"Mexico, July 12, 1845."

GARCIA CONDE.

"This circular is the author's subordinate to this office."

"Most excellent SENOR: As my notes of the 31st of March and 7th of April of this year, concerning the deserters and recruits for the army, have not produced effects which his Excellency the President *ad interim* desired, as the Governors have not been able to gather a number of men by any means adequate to the wants of the army, his Excellency has ordered your excellency to provide the material to enable the different departments to furnish their quota, and complete the contingent of troops required by the decrees of the 21st of December, 1843, and 21 July, 1844: for although the Supreme Government has not exacted, with punctuality, the complement from the departments, she now sees herself under the necessity of doing so, for the war which she wages against the United States, the perfidy and treachery of which Power put her in possession of a part of this Republic.

"His Excellency the President *ad interim* requires that your excellency inform the Governors of the necessity which exists of detaining the number of men, so highly necessary to fill the ranks of the army, and to excite the zeal and patriotism of the authorities, that their preparations shall be so effectual as to fulfill the desires of the Government, and prevent the dignity of the nation from being in any measure compromised.

"I have the honor to communicate to your excellency the following, to be used as occasion may require.

"God and liberty!

"July 16, 1845."

GARCIA CONDE.

"Most excellent SENOR, Minister of Foreign Relations and of Police. Transmitt to the authorities depending upon your department.

"Most excellent SENOR: It being necessary that the troops of the line should cover the frontiers of the republic, and march towards Texas, to conquer that department, now usurped by the United States, his Excellency the President *ad interim* has commanded me to transmit you this note, to excite the zeal and patriotism of the Governors, that they place under arms, in their respective districts, all the force which can be collected in defence of the law, to be ready to serve as a safeguard of the respective departments, according to the decree of the 4th of June of this year, and the regulation of the 7th instant.

"Your excellency will communicate to the Governors this supreme resolution, and will inform them of the obligations under which the citizens are to contribute to the defence of the country, and to sustain rights violated by a nation which refuses to acknowledge them, and obliges Mexico to maintain them by force—which it must and abetted will, or fall in the struggle. She will not consent to give up one-half of her territory, from the base fear of losing the other. Hoping your excellency will furnish me with information as to the number of men which can be devoted to this important object, your excellency will please to accept my most high consideration.

"God and liberty!

"Mexico, July 16, 1845.

GARCIA CONDE.

"To the most excellent SENOR, Minister of Foreign Relations and Police."

Quick upon the heel of these circulars, followed orders of her commanding generals. On the 12th of August, 1845, Arista thus addressed his troops:

"Comrades: The Supreme Executive has sent to me, by express, the news that the United States, in pursuance of their ambitious views, having taken possession of the department of Texas, he had denounced a declaration of war from Congress against that unjust nation.

"The time to fight is come. We must prepare with the ardor inspired by duty and patriotism, when an attack is made up in the soil, the honor, and the pride of the nation.

"Arms are the only arguments to use against bandits and men without good faith. Let us hope for that in time which is invoked by all society, and the decision of the civilized world.

"Our lot will be envied by the rest of the army—we are nearest to the theatre of war; we are the first to avenge the outrages on our country, and to ravish from the usurpers the object of their rapines.

"Let, ye bold men of troops as on their march; they will soon be here, to share our dangers and repulse the enemy."

And on the 27th of August, 1845, General Pa-

redes, in a similar strain, appeals to the national pride and enmity of the Mexican army. Said he:

"Soldiers! A rapacious and grasping race have thrown themselves upon our territory, and dare to flatter themselves that we will not defend the patrimony which our forefathers conquered with their blood. They deceive themselves: we will fly to snatch from them the spoils, the possession of which they are impudently enjoying; and they shall learn, by dearly-bought experience, that they are not contending with the undisciplined tribes of Indians whom they robbed of their land, their heaven, and their country; and that the Mexicans will ardently co-operate with the soldiers of a nation which has sanctioned by its laws the most degrading slavery."

Such were the avowed feelings of Mexico towards the United States; such were the warlike preparations which she made, long prior to the order to General Taylor to advance to the Rio Grande. These unequivocal demonstrations of hostility were made in July and August, 1845; and the order was not given until the 13th of January, nor received by General Taylor until the 4th of February, 1846.

Nor is this all that occurred, demonstrative of the warlike determination of Mexico, previous to the President's order to General Taylor. On the 8th of December, 1845, Mr. Slidell offered himself as the envoy of the United States to the Republic of Mexico. On the 12th, after the interchange of several dilatory notes between him and Mr. Peña y Peña, his mission was rejected. As soon, moreover, as it was noised among the populace, that Herrera was inclined to enter upon negotiations with the United States, the fury of civil revolution drove him from power, and placed Paredes at the helm of state. This popular convulsion received its first impulse in the department of San Luis Potosi; and the army of reserve, on the 14th December, 1845, promulgated a manifesto against the Government of Herrera, upon the ground that it—

"Had repeatedly thwarted the purpose of the army to move upon Texas; and at the same time allowed the army to be vilified for its inaction by official journals; that it had admitted a commissioner, [naming Mr. Slidell,] with whom it was endeavoring to arrange for the loss of the integrity of the republic; that it had reduced the country almost to a state of anarchy, in the midst of which it existed, without revenue, without power, and almost without will; that these evils demanded an immediate remedy, and that the Administration confessed its total incompetency and powerlessness; that it had lost all respectability, so necessary to a Government, and had allowed a plenipotentiary of the United States to set foot in the country, and reside in the capital, with a view to bargain for the independence and nationality of the country, for which have been made so many sacrifices."

I ask the special attention of every candid man to the closing sentence of this precious extract. The head and front of Herrera's offending was, that he "*had allowed a plenipotentiary of the United States to set foot in the country, and reside in the capital, with the view to bargain for the independence and nationality of the country, for which have been made so many sacrifices.*" Let it be remembered, also, that all these hostile demonstrations were made one and two months previous to the order for General Taylor to advance to the Rio Grande. Can it be possible that, in the face of these facts, candid and patriotic Senators will still argue that this order produced the war? Do they believe that Mexico was insincere in all this? That cannot be. These were not empty threats; for, on the 18th of April, 1846, doubtless in allusion to these occurrences, Paredes wrote to Ampudia that it was indispensable for hostilities to commence. He said:

"At the present day, I suppose you at the head of that valiant army, either fighting already, or are preparing for

the operations of a campaign. It is indispensable hostilities be commenced, yourself taking the initiative against the enemy."

In the execution of these hostile resolves, Ampudia was neither disobedient nor inactive. When General Taylor reached the Rio Grande on the 28th of March, 1846, he found him on the opposite bank, at the head of an organized army of six thousand troops; and, faithful to the order of Paredes, he did take "the initiative" in hostilities against the United States. All the events, from the withdrawal of Almonte to the commencement of hostilities, show that Mexico had inflexibly determined on war with the United States; that this determination was wholly independent of the order for General Taylor to occupy the left bank of the Rio Grande, and was conceived for the vain purpose of regaining the territory of Texas.

While this view of the subject proves conclusively, that the war was not caused by the forward march of our army to the Rio Grande, it also fully justifies the policy and propriety of the order, by which that movement was made. Suppose General Taylor had remained at Corpus Christi: is it not morally certain, that General Arista, who assumed the chief command of the Mexican forces on the 24th April, would have overrun the whole of that portion of Texas, laying waste the country in his march, and perhaps putting to the sword its defenceless inhabitants? What would have prevented him? Would he have encamped at Matamoros? For what purpose? Do not the facts show, that it was his order to march upon the United States for the reconquest of Texas? What! retake Texas by reposing perpetually on the bank of the Rio Grande? The idea is too absurd to be maintained. He came for war; he came to maintain the alleged right of Mexico to the province of Texas, and redeem the swollen gasconade of that vain and foolish Government. If General Taylor had not been there to drive him back, he would have penetrated far into the country. The President's order, then, was well timed and wise. If he had not given it, the very party that now abuse and traduce him, would have been even louder in their denunciations, for failing to protect our soil, from hostile invasion.

But it is said that the country between the Nueces and the Rio Grande is "disputed territory," and therefore the President had no right to take possession of it with an armed force.

But what if it is disputed territory—territory claimed by both governments? In that state of things, the parties not being able to agree by negotiation, either had a perfect right to take possession. Is the United States to be held up to the world, as a trespasser upon the soil of Mexico, because she first got possession? No, sir. The old adage that "possession is nine points of the law," is eminently applicable to this case. The utmost, therefore, that could be said is, that our armed occupation of the country placed us in the defensive attitude, and entitled us to its advantages.

But it is said, that the Government of the United States might have ordered General Taylor to occupy the disputed territory, but that the President had no right to do it. It is true, the President is not the government. But the President of the United States is sworn to see that the laws are faithfully executed. Wherever, therefore, the Government extends its laws, he is, *ex officio*, clothed

with the authority to employ the necessary means for that purpose. Well, Texas had been annexed, Congress had extended the laws of the United States over it, had established a custom-house, and by and with the advice and consent of the Senate, appointed for it a collector, and laid out post routes in the territory beyond the Nueces; and in this way, so far as their action could determine it, had declared to the world that, that territory belonged to the United States. Indeed, it was tantamount to taking possession of it by the Government. He had authority, therefore, from Congress, to order the army there, to protect Texas against invasion; and with all the evidence before him, to which I have referred, of the avowed determination of Mexico, to attempt such invasion, it was his solemn duty to do it.

But it is not disputed territory, in any sense which involves well-founded doubt of title. The Rio Grande is the proper boundary of Texas.

If the authority of great names is worth anything, in the determination of this question, I might array the opinions of our ablest statesmen in favor of the Rio Grande. I might adduce the testimony of Messrs. Benton, Clay, Jefferson, Madison, Monroe, Pinckney, and Adams, to show that Texas was originally a part of Louisiana, and extended to that river. Mr. Clay, in his letter of the 17th of April, 1844, said:

"The United States acquired title to Texas, extending, as I believe, to the Rio del Norte (or Rio Grande) by the treaty of Louisiana. They ceded and relinquished that title to Spain by the treaty of 1819, by which the Sabine was substituted for the Rio del Norte, as our western boundary."

But the Rio Grande was defined and treated as the western boundary of Texas, by the joint acts of Texas and Mexico, during the revolution. This is clearly shown by the capitulation of General Cos, to which I have before alluded, entered into on the 11th of December, 1835, by which he stipulated, that "he and his officers retire, with their arms and private property, into the interior of the Republic, (of course west of the Rio Grande,) under parole of honor."

On the 14th of May, 1836, only a few days after the brilliant victory of San Jacinto, in which the Mexican commander-in-chief and his army, together with other distinguished officers, were taken prisoners by the Texans, Santa Anna, "convinced that it was useless for Mexico to continue the war," and "that it was proper to terminate it by political negotiation, and to obtain his release, as well as all those of his countrymen who were in captivity," offered to treat with Texas on the terms of peace. Whereupon, a solemn and formal treaty was concluded, signed by "David G. Burnet, President of the Republic of Texas," of the one part, and of the other part, by "Don Antonio Lopez de Santa Anna, in his official capacity as Chief of the Mexican Government, and the Generals Don Vincente Filisola, Don José Urrea, Don Joaquín Ramírez y Sesma, and Don Antonio Gaona, as chiefs of armies."

The 4th article "solemnly acknowledges, sanctions, and ratifies, the full, entire, and perfect independence of Texas, with such boundaries as are here first set forth and agreed upon by the same."

The 5th article fixes the western boundary of Texas "at the Rio Grande, from its mouth to its source, thence to the 42d degree of north latitude," &c.

Other articles provide for the return of Santa Anna and the prisoners of war to Mexico.

But it is said this treaty was not valid and binding on Mexico. Let us examine this point for a moment.

Now, a treaty is strictly a contract between nations, and like that between individuals, must combine three requisites to render it valid, viz: 1st, a sufficient consideration; 2d, the parties must be able to contract; and 3d, they must actually contract.

That the third of these requisites happened, there is no question; it is matter of history that the treaty was signed by both Mexico and Texas. They did actually contract.

Then was it founded on a sufficient consideration? The consideration was mutual. That moving towards Mexico, was the release of Santa Anna, the President and chief of the Government, of various distinguished officers and prisoners, and the saving of Filisola's army of 4,000 men; and that moving towards Texas, was the acknowledgment of her independence, and the definition and settlement of her boundaries. The consideration, therefore, was one of vast national importance to both the high contracting parties, and one which is recognized by all writers on national law, as fully sufficient to support the treaty.

Were the parties to the treaty under consideration, capable of contracting? That David G. Burnet was, on the part of Texas, has never been denied, either by the opponents of her independence, or by her own Government.

Was Santa Anna capable of contracting in behalf of Mexico? Vattel says:

"The same power who has the right of making war, of determining on it, of declaring it, and of directing its operations, has naturally that likewise of making and concluding a treaty of peace."—Page 432.

Now, it is notorious that Santa Anna was, to all intents and purposes, Dictator of Mexico: that he had concentrated all the powers of government in his own hands; and that whatever may have been its organic form, he had converted it into a military despotism. Moreover, he professed to have the power, and it was not incumbent on Texas to look behind the fact of his possession of it. He signed the treaty officially, "as Chief of the Mexican Government."

But it may be said that Santa Anna was an usurper, and did not rightfully possess the power of declaring war or making peace. The authority, however, is equally conclusive upon this point. Having become possessed of all the powers of government, the people having submitted to his authority, and acknowledged him as their chief, were bound by his acts.

"Other States," (Texas, for example,) "as having no right to interfere with the domestic concerns of that nation," (Mexico,) "or to interfere in her government, are bound to abide by her decision, and to look no further than the circumstances of actual possession. Then men, therefore, breach not a treaty of peace with the usurper."—Fattel, page 433.

Those who deny the validity of this treaty, on the ground of Santa Anna's incapacity to contract, invoke to their aid another rule of national law, which, in this case, there is no temptation or desire to evade. It is this:

"Every impediment by which the prince is disabled from administering the affairs of government, undoubtedly deprives him of the power to make peace."

"Every legitimate government, whatever it be, is established solely for the good and welfare of the State. This incontestable principle being once laid down, the making of

peace is no longer the peculiar province of the King; it belongs to the nation. Now, it is certain that a *captive prince* cannot administer the government, or attend to the management of public affairs."—*Fattel*, 431 and 435.

In the case under consideration, it is alleged that Santa Anna, the President of Mexico, its highest executive officer, was in captivity as a prisoner of war, deprived of the power to "*administer the government, or attend to the management of public affairs*," and that, therefore, according to the authority, he could not make a valid treaty.

This objection seems to involve the idea that more or less duress and intimidation always accompany captivity. That they sometimes do, there can be no question. But in this case, there is the clearest evidence that Santa Anna acted *voluntarily, freely, and for the good of the country*. In his despatch to the Government *ad interim*, dated June 10, 1836, General Filisola, who was never a prisoner, says:

"His Excellency (Santa Anna) in my humble opinion, in the treaties agreed upon, and that I had the honor to send to your Excellency, acted with *entire liberty*, and had nothing more in view than the interest of his country."

In his letter of July 4, 1836, Santa Anna himself says:

"When I offered to treat with this government (Texas) I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting the country, which I did not possess four months ago. I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby obtain the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation."

It is clear, therefore, that Santa Anna acted "*with entire liberty*," in making the treaty. And it is also true, that during the absence of Santa Anna from the seat of Government, in command of the national army, the Executive authority, according to the forms of the Constitution, was vested in the hands of the Vice President: that he received despatches from the commander-in-chief, and issued instructions as to the conduct of the war, and especially in relation to the release of those in captivity. Whilst, therefore, it is true that the President of Mexico was a prisoner of war, it is also true that his place was supplied by an officer clothed with the power "*to administer the Government and to attend to the management of public affairs*."

But all doubts are put to flight by the subsequent ratification of the treaty. The rule of national law on the subject is this:

"The captive sovereign may himself negotiate the peace, and promise what personally depends on him; but the treaty does not become obligatory on the nation till ratified by herself, or by those who are invested with the public authority during the prince's captivity, or, finally, by the sovereign himself after his release."—*Fattel*, 436.

How, then, was this treaty ratified? In reply it might be strongly argued, that it was ratified by long acquiescence in its provisions by Mexico. For though there were many and boisterous threats to renew the war, yet for eight years, Texas enjoyed repose from any formal or systematic invasion by Mexico. But it was conclusively ratified by the Government, in its acceptance and enjoyment of the benefits of the treaty. She obtained the life and liberty of her captive President, the release of many officers and prisoners, the saving

of Filisola's army of 4,000 men, and the honor of Mexico. If she did not intend to abide by the treaty, she had no right to receive its benefits; and the only way of avoiding, was to disavow it. This is as obviously a rule of common sense and common honesty, as of national law. An agent may transcend his authority in the sale of his principal's property; but if the principal afterwards receive the money—accept the benefit of the contract made by his agent, he will not be permitted to deny the contract—he has ratified it—it is as binding upon him as if originally made within the scope of the agent's authority. But is it not perfectly analogous to the case of the treaty under consideration?—*Fattel*, 436.

In every point of view, therefore, the treaty of the 14th May, 1836, between Mexico and Texas, which acknowledges the independence of the latter, and fixes her western boundary at the Rio Grande, is valid and binding. And however Mexico, through treachery, may seek to avoid it, she is estopped by her acquiescence in it for eight years prior to annexation and by her reception of its benefits. Having ratified, she cannot disavow it.

This was the second instance in which, by the acts of both parties, the Rio Grande was treated as the western boundary of Texas; and here I might rest the question with perfect safety. But I desire to settle it beyond all cavil.

Mexico, by her own act, so treated it.

As before remarked, this treaty was repudiated by Mexico, and a renewal of hostilities declared; but, with the exception of two occasions, on which the Mexicans crossed the Rio Grande, as far as San Antonio, and were instantly repulsed, the war existed only on paper—in loud-sounding gasconade, and vaporizing proclamations. However, on the 15th February, 1844, Mexico and Texas entered into an armistice, which was terminated on the 20th of June, 1844, by the proclamation of General Woll, which concludes with the following language:

"34. Every individual who shall be found at the distance of one league from the left bank of the Rio Bravo will be regarded as a favorer and a complice of the usurpers of that part of the national territory, and as a traitor to his country; and, after a summary military trial, shall be punished as such."

Why declare all those "*traitors*" who should be found within one league of its left bank, if she did not regard the Rio Grande as the boundary of Texas?

Texas, by her acts also, prior to annexation, treated that river as her western boundary, and exercised jurisdiction up to its verge.

By an act of Congress, approved December 19, 1836, she defined her limits. I read from the "*Laws of the Republic of Texas*," vol. 1, p. 133:

"AN ACT to define the boundaries of the Republic of Texas.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled*, That, from and after the passage of this act, the civil and political jurisdiction of this Republic be, and is hereby, declared to extend to the following boundaries, to wit: beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico, three leagues from land, to the mouth of the Rio Grande; thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line, as defined in the treaty between the United States and Spain, to the beginning; and that the President be, and he is hereby, authorized to open a negotiation with the Government of the United States of America, so soon as, in his opinion, the public in-

terrest requires it, to ascertain and define the boundary line as agreed upon in said treaty.

IRA INGRAM,

"Speaker of the House of Representatives.

"RICHARD ELLIS,

"President of the Senate pro tem.

SAM HOUSTON."

"Approved, Dec. 19, 1833.

By a joint resolution, approved on the 24th of May, 1838, the Congress of Texas defined the line between the counties of Bexar and San Patricio. I read from the "Laws of the Republic of Texas," volume 3, and page 36:

"JOINT RESOLUTION fixing the dividing line between the counties of Bexar and San Patricio.

"Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a direct line running from the junction of the Colorado or San Bartolome creek to the Rio Frio, at a point thirty miles above its junction with the Nueces, thence in a direct line, to the town of Laredo, shall be considered the dividing line between the counties of San Patricio and Bexar, and shall be respected as such by the surveyors of the respective counties: *Provided*, That this act shall not affect rights previously acquired by surveys legally made by the surveyors of the county of San Patricio below the old road from San Antonio to the Presidio of the Rio Grande.

"JOSEPH ROWE,

"Speaker of the House of Representatives.

"MIRABEAU B. LAMAR,

"President of the Senate.

SAM HOUSTON."

"Approved, May 24, 1838.

To appreciate the force of this resolution, it must be borne in mind that the counties of Bexar and San Patricio are situated between the Nueces and the Rio Grande; and that the town of Laredo, designated as the western terminus of the dividing line, is situated upon the left bank of the Rio Grande.

In 1842 and 1844 the Congress of Texas passed laws fixing the time of holding courts in the county of San Patricio. On the 18th January, 1845, they passed an act making Corpus Christi the county seat of San Patricio, and provided for the appointment of a judge for the county court. On the 1st of February, 1845, they also passed "An act for the survey of all the lands in the counties of San Patricio and Refugio, the title of which was derived from Mexico, or from the State of Coahuila and Texas, to be surveyed and returned to the General Land Office of Texas." These counties were represented in the convention which ratified the resolutions passed by the Congress of the United States proposing her annexation to this Confederacy, and which formed the State constitution of Texas. By that constitution, the county of San Patricio is declared to be entitled to one, and the county of Bexar to two representatives. The county of Bexar is also constituted the 18th, and the counties of Goliad, Refugio, and San Patricio, the 19th Senatorial district, and each district entitled to one Senator. It is also ordained by the 31 section of the 13th article of the constitution which was formed by that convention, that "all laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the joint resolutions for annexing Texas to the United States, or to the provisions of this constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof."

Hence, the laws which I have cited—that defining the boundaries of Texas, defining the boundary line between the counties of Bexar and San Patricio; the law providing for the survey of lands; the law declaring Corpus Christi to be the seat of

justice for the county of San Patricio—were all declared to be and continued in force when Texas became a sovereign State of this Union. By the act of annexation, therefore, Texas became entitled to the protection of the Federal Government of the United States, in their full execution and the enjoyment of her rights under them, against any power that might attempt the invasion of the territory over which they extended.

This right the Congress of the United States fully recognized, in the several acts which they passed relating to the State of Texas after annexation. On the 27th of December, 1845, Congress passed an act "to extend the laws of the United States over Texas," and on the 29th of the same month, an act "to establish a collection district in the State of Texas," which declares Galveston to be a port of entry, to which are annexed Sabine, Velasco, Matagorda, Cavallo, La Vaya, and Corpus Christi, as ports of delivery. The territory beyond the Nueces is also a part of a Congressional district, whose representative, from the time of annexation, took and now occupies a seat in the popular branch of our National Legislature.

Here, then, we have the joint acts of Mexico and Texas during the revolution, their separate acts prior to annexation, and the acts of the Congress of the United States, subsequent to annexation, all recognizing and treating the Rio Grande as the western boundary of Texas. If all these do not establish it beyond controversy, I am at a loss to imagine what would. Sir, I will hazard the assertion, that the history of the world does not furnish an instance, in which a disputed line can be determined by evidence so satisfactory and conclusive. If the Rio Grande be not the true boundary, I would be glad for honorable Senators, on the other side, to designate where it runs. Is it the river Nueces? Where is the evidence of it? Where will you find a single act or word of Mexico or Texas, or of this Government, which looks to that as the line? Mexico has never asserted it, never dreamed of it, until it was suggested by her friends in the United States. She has not complained that our "army of occupation" passed the Nueces. The burden of her alleged grievances is, not that we have taken the territory between that stream and the Rio Grande, but that we have taken Texas, the whole of Texas. She asserts her title to the entire State, and, to recover it, she resorted to arms. If the country west of the Nueces is "disputed territory," because she claims it, for the same reason, the whole State is "disputed territory;" and if she has a good title to any part, she has to the whole.

In this connection, sir, I will ask, where was this vigilant regard for the "disputed" rights of Mexico, when Congress extended the laws of the United States over the territory beyond the Nueces in 1845, established a collection district, and when the President, by and with the advice and consent of the Senate, appointed a collector for the same?

In his message of December, 1845, the President informed Congress, that

"The jurisdiction of the United States, which, at the formation of the Federal Constitution, was bounded by the St. Mary's, on the Atlantic, has passed the Cap's of Florida, and been peacefully extended to the Del Norte."

Why was not this declaration, that "the jurisdiction of the United States extended to the Del

Norte," denied then? Why was not the country informed by their trusted representatives, that the assertion of the President was false—that the territory on that river belonged to Mexico?

In the same message, he communicated to Congress the fact, that

"Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to coöperate with the army."

Why slumbered the watchful guardians of the Constitution, when the President made this astounding announcement? Why was the tongue of condemnation silent, when he thus confessed an act on his part which, according to Whig interpretation, was an outrageous and palpable violation of this sacred charter of our liberties? Why was it not discovered then, that our army encamped upon disputed soil?

On the 11th of May, 1846, the President communicated to Congress the state of things between the United States and Mexico, and the circumstances by which General Taylor was surrounded. That message was accompanied by a despatch of General Taylor, dated April 26, 1846, from which I read the following extract:

"Hostilities may now be considered as commenced; and I have this day deemed it necessary to call upon the Governor of Texas for four regiments of volunteers, two to be mounted and two to serve on foot. As some delay must occur in collecting these troops, I have also desired the Governor of Louisiana to send out four regiments of infantry as soon as practicable. This will constitute an auxiliary force of nearly five thousand men, which will be required to prosecute the war with energy, and carry it, as it should be, into the enemy's country. I trust the department will approve my course in this matter, and will give the necessary orders to the staff departments for the supply of this large additional force."

General Taylor, then, had not only theretofore, advised the march to the Rio Grande, but, having arrived there, and hostilities having commenced, he said the war "should be carried into the enemy's country," and asked the means to be furnished him for this purpose. As yet, it had not occurred to the minds of honorable gentlemen, that such a war would be "aggressive," and "unconstitutional," and "unholy," and "odious." But with the utmost promptitude, and with a unanimity unparalleled in the annals of our legislation, Congress recognized the existence of the war, and placed ten millions of dollars and fifty thousand volunteers at the disposal of the President; and for what? For the rescue of General Taylor and his gallant little army from immediate danger? By no means; for it must have been obvious to every sensible man, that it would require weeks, to organize and put forward a formidable force upon the far distant banks of the Rio Grande. But it was, as the bill declared, to prosecute the war to a "speedy and successful termination"—to push it, as General Taylor said "it should be, into the enemy's country."

Sir, at that time patriotism rose above party considerations. The blood of Colonel Cross and of Thornton's brave dragoons cried for vengeance; and the heart of every American throbbed responsive to the call. I repeat it, sir, all this clamor about "disputed territory" and the order for General Taylor to advance to the Rio Grande being unconstitutional and the cause of the war, is an afterthought, originating with desperate politicians, and is kept up, not by honorable Senators, but by

party scavengers throughout the country, for the purpose of prostrating this Administration.

We find ourselves thus engaged in a war with Mexico. If I have been so fortunate as to make myself intelligible to the Senate, I think I have shown, that the war exists by the act of that Republic; that she, without just cause, dissolved friendly relations with the United States, in consequence of the annexation of Texas, when, by the very terms of that measure, we opened the door for amicable adjustment; that she obstinately and perfidiously rejected our friendly offer of negotiation, twice made, upon the faith of her promise to receive our envoy for that purpose, and proclaimed that "*war was the only recourse of the Mexican Government*;" that the order for General Taylor to march to the Rio Grande was not the cause of the war, was, under the circumstances, prudent and wise, was advised by General Taylor, and his advice followed by the President for the purpose, for which it was given—"to facilitate and hasten the settlement;" that Mexico actually took the initiative in hostilities, by the murder of Colonel Cross, the attack upon Thornton's dragoons, and Walker's Texas rangers, and the glorious battles of the 8th and 9th of May; that the territory between the Nueces and the Rio Grande is not "disputed territory" in any sense, involving a reasonable doubt of title; that the Rio Grande is the proper and true boundary between Texas and Mexico, and, having been so treated by the legislation of Congress in extending the laws of the United States over it, the President had the right—aye, was bound—to place such a force there as would protect it against the threatened invasion of Mexico.

How has this war been conducted on our part? Up to the 19th of October last, our forces had been engaged in not less than fourteen regular battles and as many affairs, and in every instance proved victorious against the enemy, with from two to eight times our numerical strength. When the future historian shall record the battles of Palo Alto, Resaca de la Palma, Monterey, Buena Vista, Vera Cruz, Cerro Gordo, Contreras, Churubusco, Molino del Rey, and Chapultepec, he will contribute a chapter unsurpassed in thrilling interest and the glory of military achievement, in the annals of the world. California, New Mexico, Chihuahua, Coahuila, New Leon, Tamaulipas, and other States, together with the capital of the Republic, are in our possession. It is true, these great achievements have cost the lives of many gallant men; but, having fallen in the cause of their country, we wreath their names with garlands, while we plant the cypress upon their hallowed graves. Nor, in the midst of these scenes of carnage, has a single act of cruelty or injustice tarnished our military escutcheon. Property, religion, and female innocence, have been protected and sacredly guarded by our gallant and victorious commanders. The emblem of peace has accompanied the gleaming sword, and on more than one occasion has our proud eagle pined in his flight of victory, and dropped his half-closed wings, as if to cover the thunder which he bore in his talons, whilst, with extended beak, he tendered the olive branch. The nations of Europe look on with amazement; and well they may: for all has been achieved by citizen-soldiers, drawn from the walks of domestic life and agricultural pursuits, in response to their country's call; and it gives demonstration, astounding as it is true,

to the incalculable thrones of the Old World, that a republican Government, without the aid of costly standing armies, cultivates in the breasts of her people, not only the spirit of freedom, but the chivalry that is ever ready to defend it.

Now, sir, the bill upon your desk brings up the question whether, in the event of the failure of pending negotiations, the war shall be abandoned or prosecuted.

Honorable Senators think it inexpedient and improper to press the passage of this bill, until the fate of the treaty shall be decided. My opinion on this point is simply this: If the treaty should be ratified by Mexico, and peace thus obtained, then the passage of this measure can do no possible harm. But if the treaty should be rejected, it is highly important that we be prepared for a vigorous prosecution of the war. I trust the treaty will be ratified; but if not, it will show that Mexico is playing the same farce upon us, which she performed before the gates of her capital—using the semblance of negotiation, to gain time to reorganize and rally. We should be prepared for vigorous and speedy operations. When a small boy, at school, I read of an old man, who went out one morning into his orchard and found a lad up one of his trees stealing apples. He requested him to come down; but this only excited his laughter and impudence. He then began to pelt him with tufts of grass; but this mode of warfare proved equally ineffectual. "Then," said the old man, "since 'neither words nor tufts of grass will do, I will try 'what virtue there is in stones.'" These soon brought the "young sance-box" to the ground, with hearty promises not to be guilty of the like again. This simple fable, Mr. President, indicates exactly the policy which I would henceforth adopt towards Mexico, in the event of her rejection of the treaty. We shall have tried words and tufts of grass long enough; it will then be high time to see what virtue there is in stones. As yet, Mexico has experienced comparatively few of the evils and calamities of war. These she must feel, if she refuses the measure of peace now offered, and feel sorely, in all her national interests.

But, it is said, the passage of this bill will tend to prevent her ratification of the treaty, because she will regard it as an act of menace and intimidation, humiliating to her national pride. Not so, sir. It has not been her national pride, but hope, that has prompted her to protract the war thus long. She has calculated upon our divisions at home. Seeing a large and intelligent party in the United States opposed to the war, denouncing the Administration, and deprecating our demand for indemnity, she has deceived herself with the vain hope, that lapse of time might bring a change of policy, and secure to her that abandonment of the contest, on our part, which would be synonymous, with victory, on her part. So far from the passage of this bill tending to defeat the treaty, I believe if it were to be passed promptly through both Houses of Congress, by an unanimous vote, it would render its ratification absolutely certain. The moral effect of such unanimity would be the extinguishment of all her hopes grounded on our divisions, and the conviction, that her wisest policy consists, in the speedy acceptance of our offer of peace.

The honorable Senator from South Carolina [Mr. CALHOUN] objects to the passage of this bill, because, he says, it will incur an additional and use-

less expenditure of at least three million of dollars, and increase the patronage of the Executive. It is exceedingly desirable to avoid both of these evils, if it were possible; and if the treaty be ratified, neither will arise. But if it be rejected by Mexico, we must either submit to them, or do what is worse, abandon the prosecution of the war. Who, sir, is prepared for this alternative? Who is willing to surrender the fruits of our brilliant triumphs, for considerations like these?

But it seems to be the opinion of the honorable Senator, that, whether the treaty be or be not ratified, this same result of evils will follow. That gentleman is not the only Senator who, I believe, is resting under an erroneous opinion on the subject. That erroneous impression is, that the President would proceed forthwith to the organization of the ten regiments contemplated to be raised by the bill, without any regard to the result of pending negotiations. As a matter of course, I have no knowledge of what the President would do, whether he would await the action of Mexico upon the treaty, or immediately raise the regiments. But, sir, this bill does not become a law until it shall pass the other branch of Congress. This should relieve the mind of every gentleman of any apprehension, that the Executive will anticipate the action upon the treaty, and hastily organize the regiments before that action shall be ascertained. He cannot do so if he were disposed. In all probability, this bill will undergo protracted discussion in the Representative branch, and will not receive their decision until the course of Mexico, in relation to the treaty, shall be known. In view of this presumption, it is important that the Senate pass this bill without delay, so that it may be carried to the other House in time, for it to deliberate on it fully, while the negotiations are in progress. If peace should be concluded, the legislation will do no harm; but if it should not, then this bill ought to be passed, by the time that fact shall be known, so that we may be delayed as little as possible in a vigorous prosecution of the war.

But if the treaty should not be ratified, and this bill should be passed, the honorable Senator from South Carolina, still contends that we must incur this useless expenditure of three millions of dollars, and the evils of Executive patronage. For, he says, "there will be no difficulty in getting officers and men; they will have no apprehensions of going to Mexico, or fighting future battles; the enlistment will turn out to be a money speculation." I am really at a loss to know how the honorable Senator arrives at these conclusions. If the officers and men be raised, why will they not go to Mexico? Why will they not fight battles? Will the war be at an end, in the face of the fact of a recent rejection of a treaty of peace? And if it be not at an end, and the regiments should be organized, who has the right to assert that "the enlistment will turn out to be a money speculation?" I can only understand these assertions of the honorable Senator by reference to another portion of his remarks. He says "the sentiment of the whole country is changed in reference to the war" since he made his speech in favor of a defensive line. That, it seems, opened their eyes to the consequences, and "they drew back and put their seal of disapprobation upon it;" and that it would, therefore, "be an idle dream to suppose that, in the event of the failure of the treaty, this war would ever be renewed to be carried on

vigorously." It must be to this, then, that the honorable Senator alludes when he says "the enlistment will turn out to be a money speculation." But where is the evidence of this great change of public sentiment? Where are to be found the indications of "this strong disapprobation" on the part of the people to this war? It is true, the country are in favor of peace—anxious for the conclusion of the treaty, by the two Governments. But this by no means proves the war to have become unpopular, or that the regiments proposed to be raised by this bill, will not be vigorously employed, in the prosecution of the war. It is still their country's war; and much as they desire its honorable termination, it is a reflection upon their patriotism to suppose, that the people prefer its abandonment, before the great object for which it has been waged, shall have been accomplished.

The war having thus become unpopular in the estimation of the honorable Senator, he says "only one thing can be done." Take the defensive line—"fall back and take the line of the treaty"—"tell the Mexican people that we intend to hold it—that we are satisfied, if they are." Not being a military man, it would be rather presumptuous in me to attempt to argue this policy. It is a military question, and can be properly decided only by men skilled in the science of war. But I will venture the opinion, that the adoption of this policy will neither hasten peace, nor, in the end, prove less expensive of life and treasure, than a vigorous prosecution of the war, as recommended by the Executive. The Mexicans are an obstinate people. This is the character which history awards to them; and they fully exemplified it in their contest with Texas. This is known to none, better than to the honorable Senator. Indeed, on another occasion, he dwelt upon it with emphasis. This not only proves, to my mind, the importance of concentrating upon them an overwhelming force, in order to convince them of the necessity of yielding to reasonable terms of peace, but that the adoption of a defensive line postpones peace indefinitely. They are now disorganized and dismayed; but, withdraw our army to a defensive line, and you allow them the opportunity to rally and unite, and to choose their own time and place of attack. I have no doubt that we are capable of defending such a line, and repulsing them at every assault, though I am far from believing the force suggested by the honorable gentleman would be sufficient for that purpose. But having repulsed them, what shall we have gained? Nothing but respite, until the enemy should think proper to make another and another attack. Thus we should go on, from year to year—perhaps for twenty years—engaged in the small business of repelling petty assaults of the Mexicans—bound by a policy which excludes the pursuit of them into their own country, for the purpose of chastisement. When would this bring peace? Where would be the inducement for Mexico to enter into a treaty?

Another strong objection to this policy presents itself to my mind. It is the difficulty of furnishing supplies to the military stations posted along this defensive line. It must be remembered that the line proposed thus to be occupied is, perhaps, fifteen hundred miles in length—that it stretches through an uncultivated wilderness, with the Mexicans on one side, and no less hostile tribes of Indians on the other; so that the supplies, of all kinds, must

come from the States. The expense, hazard, and delay, which must attend transportation trains must, therefore, be apparent to all, upon the least reflection. In view of these considerations, who can predict the loss of life and treasure which must ultimately accrue? and who can tell when it will terminate by a treaty of peace?

Another weighty objection with me, is, that we acquire no title to the territory thus defended, at such expense. Territory thus held, is held only by conquest; and the writers on international law say, that conquest gives only an inchoate title, which is not perfected, except by a treaty of peace. Impressed with these views, I cannot approve the policy advocated by the honorable Senator from South Carolina. It will neither hasten peace, nor, in the end, prove less expensive; and, after a lapse of years, we might find it absolutely necessary to begin—what the President now advises—a more vigorous prosecution of the war. But, while I do not agree with the Senator, that the annexation of all Mexico would prove fatal to our institutions, yet, if I were convinced that that is the only alternative, (if his policy is rejected,) I would go with him in the support of a defensive line. Under all the circumstances, I believe a vigorous prosecution of the war, in the event of the failure of the treaty, is the surest method of bringing it to a speedy and satisfactory termination. That seems to be the course, most strongly indicated by all the lights to be gathered from the existing state of things.

The honorable Senator is further opposed to this bill, because its passage will be a pledge to the President for a vigorous prosecution of the war. Sir, I wish much, to give such a pledge to the President. I wish more—to give such a pledge to the country; and, most of all, I wish to give such a pledge to Mexico. This consideration operates powerfully with me, in favor of the passage of the measure under consideration.

The honorable Senator "detests above all things a system of menace or bravado, in the management of our negotiations." This sentiment, doubtless, springs from a lofty virtue which all must admire. But this system has always existed and will exist, until men shall beat their swords into pruninghooks and learn war no more. I think, however, the Senator is mistaken in saying "it was resorted to in our negotiations with Mexico," and the march of the army under General Taylor to the Rio Grande was but intended to sustain "it." It must be fresh in the recollection of every Senator, that, at the suggestion of Mexico, our squadron, which lay off Vera Cruz, was withdrawn, in advance of Mr. Slidell's presenting his credentials as our envoy, to negotiate the terms of settlement; and also, that General Taylor was not ordered to the Rio Grande, until the negotiation had failed. How, then, could he have been ordered there, to sustain the system of menace, which the Senator so much detests?

I beg leave to notice one other remark of the honorable Senator from South Carolina. He says, "the President has no right whatever to impose taxes, internal or external, on the people of Mexico." It is an act without the authority of the Constitution or law, and eminently dangerous to the country." This is a grave and serious charge against the Executive. But is it well founded? I presume it will not be denied, that our Government has the same belligerent rights, in reference

to a conquered enemy, that belong to other Powers, according to the laws of nations. Can it be possible, that our peculiar form of government has abridged our rights in this respect? Surely not. What, then, are the rights of a nation in war? Vattel says, "She has a right to weaken her enemy, in order to render him incapable of supporting his unjust violence—a right to deprive him of the means of resistance." Again: He says, "Since the object of a just war is to repress injustice and violence, and forcibly compel him, who is deaf to the voice of justice, we have a right to put in practice against the enemy every measure that is necessary, in order to weaken him, and disabie him from resisting us and supporting his injustice; and we may choose such methods as are most efficacious and best calculated to attain the end in view, provided they be not of an odious kind, nor unjustifiable in themselves, and prohibited by the law of nature." This authority gives very large powers to a nation at war—the right to do everything, and choose such modes as are most efficacious. Now, what is more efficacious to weaken an enemy, than to cut the "sinews of war," by taking possession of his revenues? This is all that has been done by the President, although the honorable Senator thinks proper to characterize it as a system of taxation imposed on Mexico. But Vattel asserts broadly the doctrine of the right to levy contributions. "Whoever carries on a just war," says the author, "has a right to make the enemy's country contribute to the support of his army, and towards defraying all the charges of the war." Now, can the taxes and imposts collected from Mexico, by order of the President, be viewed in any other light, than as contributions? The principle is the same, no matter by what name you characterize the act.

But while our belligerent rights are not denied, it is contended, that they cannot be exercised by the President without authority from Congress. It is not necessary to deny this proposition, if I were disposed to do so. To all intents and purposes, Congress has given the power to the President. On the 13th May, 1846, Congress recognized the existence of war between the United States and the Republic of Mexico. The first section of that act declares, "That for the purpose of enabling the Government of the United States to prosecute said war to a *speedy and successful termination*, the President be, and he is hereby, authorized to employ the militia, naval and military forces of the United States," &c. By this act, the war became national, and the President, as commander-in-chief, became the representative of the Government, for all war purposes. Any other construction would lead to constant and ever recurring difficulty. Here is the commander-in-chief three thousand miles from the scene of action. The war is prosecuted in the enemy's country. Active and speedy measures are to be adopted to weaken the enemy, and cut off his supplies. All these are powers, as I have just shown, incident to a state of war, agreeably to the law of nations. Is it possible, under these circumstances, that the Chief Magistrate must consult Congress, and obtain authority, for every movement of the army, and every operation which the success of the military service may demand? Must he submit his plans, thus expose them to the enemy, and run the hazard of having them defeated at last, after a protracted dis-

cussion in Congress? What is to become of the army during all this time? Sir, Congress is too large a body to constitute a safe council of war. It takes them too long to decide questions, and their decisions are too much under the control of partisan feeling. They therefore acted wisely in confiding the conduct of the war to the Executive. I do not deny that Congress may at any time instruct the President as to the management of the war—may enlarge or restrict his powers. But in the absence of such instructions by Congress, and when, by the law recognizing the existence of the war, it is expressly declared, that in order "to prosecute it to a *speedy and successful termination*, he is authorized to employ the militia, naval and military forces of the United States," is it not evident, that Congress intended to vest him with a sound discretion, to be exercised according to the established rules appertaining to a state of war? I have no doubt of it. I have no doubt that, under this act, the President is clothed with power, and was intended to be clothed with the power, to do everything necessary to prosecute the war to a speedy and successful termination, which Congress itself could do. The evidence, that I am right in this construction, is conclusive. The war has now existed nearly two years. The President, at proper intervals, during that time, has informed Congress of the mode and success of its prosecution; twice have they voted men and money, and placed them at the disposal of the President, in order still to carry it on, and have given no expression of opinion, that he had abused his powers, or exercised any, not intended to be conferred by the act recognizing the existence of the war. Does not this show, that Congress intended to confide to him the whole management of the war? If, however, they think he has abused that confidence, or are unwilling longer to extend it, it is perfectly competent for them to withdraw or limit it. But until this is done, all the power of this Government which is incident to a state of war, under the law of nations, is vested in him, by virtue of the law of Congress which recognized its existence, and placed at his disposal, without instruction, the means for its prosecution. The Executive, therefore, is not guilty of those gross violations of the Constitution and law, which are alleged against him by the honorable Senator from South Carolina.

The honorable Senator from Connecticut, [Mr. BALDWIN,] in his remarks yesterday, opposed the passage of this bill, and, indeed, the further prosecution of the war, because it looked to the acquisition of territory; and he is unfavorable to the acquisition of territory, because it will bring an addition of slave States into the Union. Sir, when was the political school, to which that gentleman belongs, ever friendly to the extension of the limits of our Republic? Did they not oppose the acquisition of Louisiana, and Florida, and Texas? But, despite their opposition, all these States have been added to our Confederacy: and who will say our country is less prosperous, or our institutions less stable, in consequence of such accessions? Southern Whig Senators are opposed to the extension of territory, for the fear that it will result in the addition of free States to the Union. With great respect, sir, I venture the opinion, that this is not the true position for Southern statesmen to occupy. It is an admission of our weakness, in the councils of the Government, before our strength is tested. It

is retreating before we are attacked. But these views, heterogeneous as they are, bring together these two classes of statesmen, and associate them in united opposition to a vigorous prosecution of the war. It presents a singular phenomenon in politics—an alliance between New England anti-slavery and Southern Whigery—a mechanical mixture, without, I trust, the least possible chemical affinity. But I think it is wrong, because it implies a distrust, each, of the fidelity of the other, to the Constitution. In the deliberations of this body, the question of slavery should never be touched. By the Constitution, Congress has no jurisdiction whatever over the subject. If all parties would stand upon that platform, no note of discord, in relation to this delicate question, would ever disturb the harmony of our deliberations. It belongs to the people of the territory which may be acquired. By the right of self-government—which is dear to every American—they should be permitted to determine for themselves, in their political organization, whether or not they will tolerate involuntary servitude. Are not our Northern brethren content to rest this subject here? Are they unwilling to trust the people with the privilege of judging for themselves, and forming their own laws and municipal regulations? Then, all they have to do, is, to stand by the Constitution—abstain from what it prohibits, and do nothing but what it permits. On this ground, all parties at the South, so far as I am informed, are willing to meet them—they will meet them upon no other. Here, and here alone, is safety for the Republic; and here, if they will stand, the increase of our territory presents no just cause of alarm, so far as slavery is concerned. Those whose business it will become, will settle it for themselves; and however they may settle it, it should be a source of grievance to none. These same arguments were used against the purchase of Louisiana, and have been revived, at all times, when territory was about to be acquired. If they are sound now, they were sound then; and if fraught with the mischief predicted, an impassable wall should, long since, have been crected around the confines of the Republic.

But, sir, I have no fear that the acquisition of territory will weaken our institutions. Such an idea is forbidden by the history of the past. What Mr. Monroe said, in his message of 1823, I still believe to be true: "That this expansion of population and accession of new States to our Union 'have had the happiest effect on all its great interests. That it has eminently augmented our resources, and added to our strength and respectability as a Power, is admitted by all.'" There is nothing in the form or nature of our Government unfavorable to its extension over a wide territory. Indeed, I believe it the best adapted of any other, to such expansion. The nice adjustment between the powers and relations of the Federal and State governments; the limitation of the former to the objects of foreign relations and commerce, and the unabated sovereignty of the latter, except for these purposes, secure the strength of a monarchy, on the one hand, for protection and defence, and the freedom of distinct republics, on the other, for municipal and domestic regulations. Indeed, I am disposed seriously to doubt, whether our Republic would have stood thus long, if its limits had been confined to the original thirteen States. Suppose

the present population of the United States were crowded within their borders, how dense a mass of human beings! Who does not know how restless, inflammable, and uncontrollable are men, unless highly intelligent and virtuous, when thrown together in great numbers? Their interests and pursuits conflict, and collisions are generated which lead to convulsions and bloodshed. But our increase of territory has diluted our population. It has cheapened the price of land; this has invited to the pursuits of agriculture; and, in all ages, agriculture has been friendly to the promotion of peace, frugality, and virtue. Hence, we have escaped the popular convulsions which so often scourge the nations of the Eastern World; and our Government has flourished in the greenness of youth, with but few exhibitions of riot, and not one of civil revolution.

These views gather strength, when we contemplate the vast and ever-increasing stream of immigration which is flowing into our country, from every transatlantic nation. The Old World swarms with a population, restless under the yoke of civil oppression, and millions of whom are enduring the ills and horrors of hunger and starvation. To them, ours is the promised land. Its free institutions pledge them liberty, and its teeming fertility promises them food. Either they will come, and who would close our doors against them? We have bread enough, and to spare; and the unfilled wilderness, which stretches to the far-distant shores of the Pacific, invites them to occupy, and obey the first great law of civilization, by cultivating its soil. Sheltered under the broad aegis of our Government, they will flourish in the enjoyment of freedom; and in the pursuits of agriculture, they will be elevated to the dignity of virtue and refinement. Vast as is the area of our surplus territory at present, few years will elapse, before we shall find more, not only to be convenient, but necessary.

In the progress of the discussions on the topics connected with the war, a good deal has been said in ridicule, of what is called, "manifest destiny." Now, sir, I am a believer in this doctrine; but I would not employ precisely these words to express my opinion. I would say, that I believe it to be the manifest design of Providence, either that the whole of North America should be embraced within our Republic, or that, through the influence of our institutions, it is to become the theatre of the highest civilization and freedom. Yet, sir, I am no propagandist. I would not force the adoption of our form of Government upon any people, by the sword. But if war is forced upon us, as this has been, and the increase of our territory, and consequently the extension of the area of human liberty and happiness, shall be one of the incidents of such a contest, I believe we should be recreant to our noble mission, if we refused acquiescence in the high purposes of a wise Providence. War has its evils. In all ages it has been the minister of wholesale death and appalling desolation; but however inscrutable to us, it has also been made, by the Allwise Dispenser of events, the instrumentality of accomplishing the great end of human elevation and human happiness. Civilization, like her heaven-born pioneer mother, Christianity, has been compelled to force on her steady march, for more than eighteen hundred years, amidst the revolutions of empires, which have stained with blood

her robe of whiteness. But, converting every obstacle to her progress into a weapon of victory, she shall encincture the globe with her girdle of light. It is in this view, that I subscribe to the doctrine of "manifest destiny." It is in this view, that I believe the whole of North America is consecrated to freedom. Neither legislation nor treaties can set bounds to the triumphant spirit of the age, which threatens thrones and dynasties, and augurs an entire reinvigoration and renovation of the social and political condition of the world. The results of war and the developments of science are but the echoes of the voice of prophecy. The one opens the door for civilization, and the other sends its ministers by the power of steam, and speeds them upon the wing of the "seraphic lightning."

I will not detain the Senate longer. I thank them for their kind indulgence towards me, while offering these desultory remarks. I shall vote for the passage of this bill.

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